

A Regular meeting of the Board of Selectmen was held on Tuesday, February 27, 2007 beginning at 7:30 p.m. in Room 112 of the Town Hall. The following members were present.

Joseph Denneen, Chairman
Al DeNapoli, Vice Chairman
Chris Timson, Clerk
Catherine Winston
Michael Caron

Also present:
Michael Boynton, Town Administrator

Employee of the Month: Mike Laracy was instrumental in obtaining a \$190,000 Fire Grant.

2-12 Common Victualler's License, Starbuck's

Dan Brennan appeared before the Board seeking approval for a Common Victualler's license at Route 1 and Route 27 for a Starbuck's. The new building is framed. Mr. Denneen questioned if the Fire Department had reviewed the request. Mr. Boynton noted that the Board can approve it conditionally and hold it until all applicable departments have approved. In terms of the building permit the fire department would have had to sign off on that.

Mr. Timson suggested that in the spirit of being business friendly, if it does no harm to approve this subject to the getting all approvals, the Board should move forward with the request.

MOTION moved by Mr. DeNapoli that we approve the Common Victualler's license for Starbucks coffee at 431 High Plain Street, upon all conditions of building permit and occupancy permit being met, seconded by Mr. Caron, VOTED 5-0-0

2-13 Appointment to Council on Aging

Carolyn Lawless appeared before the Board seeking appointment to the Council on Aging as an associate member. She is a Registered nurse and I thought they might be able to use me on the Committee.

Chris Timson had met with Ms. Lawless on a previous matter and felt she would be a very good advocate for the Council on Aging.

MOTION moved by Mr. Timson to approve the appointment of Carolyn Lawless as an associate member on the Council on Aging, seconded by Ms. Winston, VOTED 5-0-0

2-15 Planning Board, Gift Acceptance

Nancy McKenzie, Planning Board member and Don Johnson, Town Planner presented a gift in the amount of \$8,500 for use on street improvements, sidewalk paving and street trees in various locations throughout the town. This was a gift that was a condition for approval for lots 10 and 11 Grace Memorial Drive.

MOTION moved by Mr. DeNapoli to accept the gift in the amount of \$8,500 from the Planning Board to deposited in Sidewalk and Streets account, seconded by Mr. Timson, VOTED 5-0-0

2-14 Planning Board, Gift Acceptance

Nancy McKenzie spoke regarding the Historical grant which the Town Planner has applied for. They received an anonymous gift to the historical society to be used for this

grant in the amount of \$6,000. Bob Boyd has never seen a grant or donation of that size. The historical work it will permit is a large component of the Master Plan. The grant will be used to inventory green space and historic spaces in town.

MOTION moved by Mr. DeNapoli that accept from the Walpole Historical society a gift in the amount of \$6,000 from an anonymous donor to be used for the Historical Properties Survey and Inventory and to be used by the Planning Board, seconded by Ms. Winston VOTED 5-0-0

MOTION moved by Mr. DeNapoli that the Board authorize the Chairman of the Board of Selectmen to sign the Assurances Form on Page 10, the matching Share Information on page 11, Debarment Certification for the grant proposal, to inventory historic properties in Town, seconded by Mr. Timson, VOTED 5-0-0

2-17 **Town Clerk, RTM apportionment**

Mr. Fucile explained that the Town Clerk is required each February to determine the proper apportionment of the RTM membership. He is recommending that there be an increase of 1 RTM in Precinct 4 and reduction of 1 in Precinct 3. The Town has seen a 10% increase in the population in the last 10 years and the shift proposed will reflect the population change in these precincts.

MOTION moved by Mr. DeNapoli that the Board of Selectmen approve of the apportionment of RTM members as set forth in the memo from the Town Clerk dated February 16, 2007 indicating an increase of one member in Precinct 4 and the reduction of one member in Precinct 3, seconded by Mr. Timson, VOTED 5-0-0

2-18 **Town Clerk, Reserve Fund Transfer**

Mr. Fucile is seeking \$19,078 in a reserve fund transfer to support the four elections which occur over the next 3 ½ months. He attached a breakdown of each account to show how the funds will be used. Within the request he is asking the Board to authorize a part time clerk in his office because of the amount of work these three election will generate. The part time employee will be there for a 14 week period for elections only. Mr. Boynton concurs with that request. Mr. Fucile is going to have a brand new clerical person in that office. Given the issue with the state and full election and the special and annual election it makes sense to have someone that will help temporarily. We need to be able to be flexible.

Ms. Winston supports this. The Clerk's office has a busy three months ahead of them.

MOTION moved by Mr. DeNapoli that we approve the Reserve Fund Transfer in the amount of \$19,078 to support the Town Clerk's office, seconded by Mr. Timson, VOTED 5-0-0

2-19 **Spring Town Meeting Warrant, Signing**

Mr. Boynton explained that the changes from the last time we dealt with the Mylod Street Field. Articles 39, 40 and 41 all relate to the Mylod Street Field. There is still one legal issue that Attorney Tom Brady is working on in regards to the original transference of the land that came to Walpole with restrictions. It has to be clear that the section we are giving up in exchange for the parcel from the abutter will not be restricted in use.

MOTION moved by Mr. DeNapoli to approve the signing of the Spring Town Meeting warrant as presented, seconded by Mr. Timson, VOTED 5-0-0

2-20 **Special Election Warrant, March 31, 2007**

This is the warrant for the March 31, 2007 override.

MOTION moved by Mr. DeNapoli to accept the warrant and sign as presented, seconded by Mr. Timson, VOTED 5-0-0

2-21 Special Primary Warrant, April 17, 2007

This is the warrant for the Special Primary to be held on April 17, 2007 for Precinct 8 only. It is for Representative in General Court 11th Norfolk Representative District. The candidate will be filling the vacancy left by Rep. Coughlin.

MOTION moved by Mr. DeNapoli that we accept the warrant for the election to be held on April 17, 2007 and authorize signing same, seconded by Mr. Timson, VOTED 5-0-0

2-22 Friends of St. Patrick, Parade permit

Annual request for parade to be held on Friday, March 16, 2007. Person of the year is Paul Hurley.

MOTION moved by Mr. DeNapoli to approve the request for a parade permit, seconded by Mr. Timson, VOTED 5-0-0

Proclamation, Paul Hurley

MOTION moved by Mr. DeNapoli to approve and sign the proclamation as written for Paul Hurley, seconded by Mr. Timson, VOTED 5-0-0

2-23 Limousine/Livery Authorization

Dennis G. Girvan is asking the Board's permission to operate a Limousine/Livery service allowing him to transport passengers to and from the airport. The application has been submitted to Massachusetts Port Authority and the Board is being asked to send a letter to the Port Authority stating there are no objections.

MOTION moved by Mr. DeNapoli that we approve the application to operate a limo service as set forth and this be allowed until December 31, 2007 and further we authorize sending letter to the Port Authority stating there are no objections, seconded by Mr. Timson, VOTED 5-0-0

2-24 One Day Liquor License, Knights of Columbus

MOTION moved by Mr. DeNapoli to Approve the one day Liquor License for the Knights of Columbus for March 17, 2007 from 6:30 – 11:00, seconded by Mr. Timson, VOTED 5-0-0

2-25 Gift Acceptance, Fire Department

MOTION moved by Mr. DeNapoli to accept the gift from Walmart in the amount of \$1,000 to be deposited in the Ambulance gift fund, seconded by Mr. Timson, VOTED 5-0-0

Town Administrators Update

Pine Brook Estates subdivision: This project was left unfinished by the Developer Gary Werden. It goes back to the late 90's. Since that time there have been repair issues. The numbers to complete the subdivision are being finalized. There is only \$125,000 left in the bond and the amount will not cover the remaining work. To release the money to the Town, the developer is required to sign on the withdrawal slip and the Town has been unsuccessful in getting the signature from the developer. He is looking for a release of liability claims. To date we have been reluctant to do that. We will do everything possible to recover those funds. We are preparing the full estimate of what needs to be done at this subdivision. The next step will be to include those estimates and figure out how we will pay for the remaining portion. We can litigate and to try to recover some of the funds. The last option is a betterment fee on the residents. The first step is to get the \$125,000 remaining in the bond. It is important to keep in mind, this is an issue. We also have to keep in mind that there are many town streets that are in need of

funding, not the least of which is Hitching Post Drive. All of that has to factor in to how we fix it. The longer we wait on this and other projects the more it will cost.

Mr. Timson would like to know what is in place now that was not in place then as far as accepting bonds to insure that something like this never happens again. Mr. Boynton indicated that Mark Good will not allow passbooks or tripartite agreements any longer.

Ms. Winston asked if there are there any empty lots within the subdivision still owned by Mr. Werden? If there are any empty lots, we could look at that process.

Damaged Dwelling: There was a major house fire on Lincoln Road approximately two years ago and there has been massive damage, but these have been only minor attempts to secure the house, and it is not fully protected. The Building Commissioner can not find the homeowner and he has been looking for the past 6 months. We have a house with holes in the roof and it is a public safety issue. We hope the homeowner will secure it, or remove it. There is a letter from counsel explaining the options and it would involve this Board.

Board would like an update on the situation within the next 30 days. If the property is a total loss, and there is the possibility of someone getting hurt, it should be demolished. If may be too far gone to be repaired. The board discussed researching if there is a mortgage as the bank could be a source of information.

Senior Tax Relief Forum: Meeting will be held on March 20th here in the Main Meeting Room.

FY08 Budget: The Governor is addressing the State on his budget. Looking at a net gain of \$500,000. In the neighborhood of 600,000 that can be applied. We have to discuss what to do with surpluses. If this turns out to be extra funding, than we should discuss what to do with this.

Caritas Norwood Hospital: Mr. Boynton had attended a meeting at Caritas. The big issue is as of January the Hospital is changing ownership. Letter of Intent, determine whether a transfer of assets could occur. I did ask if the Hospital staff level would change. They do not believe so. The ascension group has been working on this. Bill Flemming has agreed to keep us in the loop.

Chamber of Commerce: Met with them to discuss beautification of the Downtown and talked about a lot of things they have in mind. There is a Breakfast with the Chamber on March 13 at 7:30 a.m. at Bristol Square.

Verizon Fiber-Optic & Franchise Discussion: Verizon is actively doing their build out to get the fiber optics in town. They would be able to provide Television. Verizon is attempting to have the legislative pass a bill that would do away with the extended negotiations we have been accustomed too no longer exists. Under the proposed law, once there is a request for franchise, we have 90 days to come up with an agreement. If we face this compressed regulatory approval schedule we need to look at give backs to the town, funding through Walpole community TV, school programs, municipal programs that might be advantageous for us to discuss. Seek volunteers to help us with a very rapid review of things that the Town needs. Secondly, Mr. Boynton would like to give authorization Town Counsel, to look into this matter as they have an expert on all the issues that involve franchise negotiations and can give guidance as to what we should be prepared for. It is only a question of when. I would like to have legal input.

It was suggested that a letter be sent to the Walpole computer foundation for technical input. The town might look at TV studio within the school department, video conferencing. If you have some type of expertise out there around town residents who would be willing to serve that would be helpful because we want to look at needs that go beyond community television. Looking for 3-5 interested residents.

Mr. Timson agreed that the Town is not set up to handle the process in 90 days, he agrees with having counsel on board.

Mr. DeNapoli spoke of someone he met at the MMA conference, who has an expertise in this. Before we reach out to Town Counsel we may want to look at the contract and get a comparison.

Mr. Boynton is not really sure about special counsel, but will look at it from a continuity standpoint.

Mr. DeNapoli would like to do a further investigation.

Ms. Winston would like to see if there is anything they could offer for public safety.

MINUTES

MOTION moved by Mr. DeNapoli to approve the minutes of 2/5/07, seconded by Mr. Timson, VOTED 5-0-0

Executive Session

MOTION moved by Mr. DeNapoli to go into executive session to discuss pending litigation, seconded by Mr. Timson, VOTED 5-0-0, by roll call vote, Mr. Caron-Aye, Mr. DeNapoli-Aye, Mr. Denneen-Aye, Mr. Timson-Aye, Ms. Winston-Aye

MOTION moved by Dot Bergen to go into executive session to discuss pending litigation, seconded by Nancy O'Neil VOTED 6-0-0, by roll call vote Ms. Bergen-Aye, Ms. O'Neil-Aye, Ms. Gallivan-Aye, Ms. Nadeau-Aye, Mr. Desmond-Aye, Mr. Walsh-Aye

Board moved back to regular session.

MOTION moved by Mr. Timson to adjourn at 9:55 p.m., seconded by Mr. Caron, VOTED 5-0-0

Respectfully submitted,

Chris Timson , Clerk